Education

Relations

Commission

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Education
Relations
Commission

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The Members of the Legislative Assembly
Province of Ontario

Dear Members:

I have the honour to present the Thirteenth Annual Report of the Education Relations Commission, which covers the period from September 1, 1987, to August 31, 1988.

Katherine E. Swinton
Chair
Education Relations Commission

August 31, 1988

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STATUS OF THE NEGOTIATION PROCESS

The 1987-88 negotiations conducted in compliance with the School Boards and Teachers Collective Negotiations Act indicate that the teacher/school board bargaining process continues to be in a very healthy state. The parties were able to conclude agreements on an amicable basis, generally without third-party assistance and, in comparison with other public-sector negotiations, in a reasonable period of time.

During the 1987-88 reporting year, 145 negotiations were undertaken, and sanctions occurred in 3 instances (2 per cent). This record compares very favourably with those of other sectors in Canada and with those of previous reporting years under the Act.

Under the three sanctions, strikes were of relatively short duration (Metropolitan Toronto boards of education, elementary panel – eighteen school days; Lakehead Roman Catholic school board – eleven school days; Hearst Roman Catholic Separate School Board – six school days). As a result, the Education Relations Commission (ERC) did not issue any jeopardy advisements (under clause 60(1)(h) of the Act, it is the commission's duty to issue a jeopardy advisement to the Lieutenant Governor-in-Council when, in the opinion of the commission, the continuance of a sanction will place in jeopardy the successful completion of the students' courses of study). Each strike jurisdiction was able to reach a settlement locally with assistance provided by a commission-appointed mediator.

Of 145 negotiating jurisdictions, 92 (63 per cent) reached a settlement without any form of third-party assistance. This percentage of unassisted settlements is the highest since the passage of the Act in 1975, excluding those years during which bargaining was restricted by restraint programs. Consequently, during 1987-88 the need to appoint third parties was reduced.

A total of 50 fact-finding appointments was made, the second-lowest number reported under the Act. A total of 31 mediation appointments was processed, the lowest number reported during a year in which negotiations were undertaken.

In sum, the statistical record of third-party assistance during 1987-88 indicates that local parties were able to work within the process, independent of outside intervention, to address and resolve those issues placed on the bargaining table.

The average length of time taken to reach an agreement was 7.1 months. One of the criticisms frequently made of the Act is that it prevents quick settlements and contributes to delays and protracted negotiations. The 7.1-month average is the lowest in the legislation's history and is lower than that for Ontario's public sector in general; since the average includes the July-August period, a traditional non-negotiation time, it is a significant achievement. In addition, of the 145 situations negotiated, 75 (50 per cent) concluded a two-year agreement and 12 (8 per cent) settled for a three-year term. These findings augur well for negotiations in 1988-89.

TEACHER STRIKES

There were three strikes during the 1987-88 reporting year. This figure is well below the average number of strikes per year and should be weighed against the fact that there were nearly 150 sets of negotiations during the reporting period. The number and length of the negotiations that were settled without sanctions compare very favourably with those settled in both the public and the private sectors in Canada. With the exception of the strike by the elementary public school teachers in Metropolitan Toronto, which lasted for 18 instructional days and affected more than 136 000 students, the strikes were relatively short and affected few students. None of the strikes in the reporting year resulted in a jeopardy determination's being sent by the commission to the Lieutenant Governor-in-Council.

While strikes are an unhappy experience for all concerned, labour-relations experts have noted that, in order to have effective negotiation and labour-relations systems, the option of exercising the right to strike or lock-out to break negotiation impasses must be guaranteed. To serve this end, the sanction option must be a meaningful one, that is, not subject to premature government intervention.

One of the purposes of the School Boards and Teachers Collective Negotiations Act is the furthering of harmonious relations between boards and teachers. Therefore, in order to ensure that this statutory purpose is met, the commission believes that the responsibility for reaching resolution during a strike rests with the local parties. While the ERC will supply its best mediators to such situations and must carefully consider the impact of the strike on the students' courses of study, the commission has consistently resisted premature intervention under clause 60(1)(h). During the past ten years, the commission has advised on jeopardy in just three cases.

The practice of resisting premature intervention has resulted in some difficult situations. The longest total withdrawal of services by teachers occurred in Sudbury in 1979, when a strike by secondary school teachers lasted almost three months. While this unfortunate example is often cited in arguments against lengthy sanctions, it is not a representative case. Since the School Boards and Teachers Collective Negotiations Act became executive, there have been 2398 sets of negotiations. Sanctions have been exercised in only 2 per cent of these negotiations, and in only 1 per cent of cases have teacher strikes (i.e., a total withdrawal of services) exceeded one month's duration.

Also, it is worth noting that parties who undergo a long strike rarely exercise this option again. On the contrary, in such cases the teacher/school board relationship generally improves because the parties have jointly worked out the terms of their agreement and have learned important lessons from doing so.

Most importantly, on those rare occasions when strikes do occur, it becomes clear to all parties negotiating under Bill 100 that the responsibility for managing negotiations and maintaining harmonious relations rests with them and is not transferable to other institutions. As noted, the ERC has endeavoured to ensure that local parties understand that they must resolve their own disputes. That the parties in Sudbury reached an agreement with the assistance of the ERC and the Minister of Education, and not through legislation, has proved instructive for other negotiating parties in Ontario education.

The healthy state of the bargaining process under Bill 100 is, at least in part, the result of the commission's allowing lengthy sanctions to occur. The commission has followed this policy, not in the expectation or hope that such sanctions will be exercised but, on the contrary, in the belief that the option for sanction reduces their likelihood and ensures that bona fide negotiation takes place. Where sanctions are adopted, the commission offers its services to the negotiating parties and recruits and appoints competent third parties, where requested. For example, during the 1987-88 reporting year, the

commission continued to offer, and make improvements in, a preventive-mediation program designed to instil more positive attitudes in negotiating parties and improve teacher/school board relationships. The commission's policy, then, emphasizes local responsibility in dispute resolution, but offers third-party service to facilitate such resolution.

FIELD SERVICES

During the 1987-88 reporting year, the commission continued its efforts to train and recruit third parties, particularly women and those with bilingual capabilities. Several orientation sessions were held, culminating in a workshop in June, which included the writing of a fact-finding report based upon a real-life bargaining situation.

A very successful workshop with both local and third-party involvement was held during May in Toronto. The more than two hundred participants benefited from presentations related to fact-finding, mediation, and teacher/school board relationships.

In addition to providing fact-finders and mediators, the commission assisted local negotiating parties through grievance-mediation appointments and relationships-by-objectives workshops, activities designed to reduce, if not eliminate, obstacles that prevent parties from resolving matters of mutual concern.

INFORMATION SERVICES

During the 1987-88 reporting year, the commission made further improvements to its data and information services. Staff in Information Services began rebuilding the computerized data system to incorporate new advances in artificial intelligence and expert advisory systems. This work has been completed, and all users (even those without computer skills) now have direct access to ERC data and are no longer dependent on the commission for basic computer-programming support.

Those who wish to explore trends and relationships in the data can rely on a unique menu-driven and interactive "data analysis adviser". This system leads the user through the analytic process and provides extensive support and guidance on appropriate statistical techniques and methodologies, as well as automatically generating a variety of graphical and tabular displays to assist the user in visualizing relationships.

We believe that this information system is the most thorough, useful, and accessible aid to collective bargaining available in North America. A very important side benefit has been that the new system has generated co-operative ventures and joint projects between the ERC and other organizations under the jurisdiction of the School Boards and Teachers Collective Negotiations Act.

PERSONNEL CHANGES

Information Services experienced a significant turnover in staff during the reporting year, with three of five positions becoming vacant within a one-month period.

Craig Crawford, Director of the unit, was seconded to the Ministry of Education as policy adviser to the minister, for a two-year period, beginning in December 1987; Stephen Hawkins, Research Specialist, was appointed co-ordinator of research and statistical analysis for the Ministry of Colleges and Universities; and Tracy Patterson, Research Assistant, was hired as a communications officer with the Waste Management Corporation. The commission made the following appointments to fill these vacancies in Information Services: Sharon McElroy, Acting Director (December 1987). Ms. McElroy has been with the commission since 1976 as a research specialist; Sandra De Laurentiis, Research Assistant (January 1988). Ms. De Laurentiis has an Honours B.A. in economics and political economy from the University of Toronto. She has held research and collective-bargaining-information positions in the Ontario ministries of Industry and Trade, Treasury and Economics, and – most recently – Labour; Carmen Marinic, Information Specialist – contract position (April 1988). Ms. Marinic is a graduate of the University of Waterloo's honours co-op computer science degree program. Her work terms were spent at IBM Canada Ltd., and since 1984, she held the position of systems analyst at the Ontario Institute for Studies in Education; Alison Wilson, Information Specialist (April 1988). Ms. Wilson has an Honours B.A. and M.A. from York University and has completed the course requirements for a Ph.D. She has held progressively responsible research positions at York University, Generations Research Inc., and TVOntario.

Mary Nensy retired in January 1988 as Manager, Administration and Support Services. Sally Baker was appointed in May 1988 as her replacement. Ms. Baker has held progressively responsible administrative and financial positions within the Ontario Public Service.

I THE COMMISSION: MEMBERS AND ORGANIZATIONAL STRUCTURE

The Education Relations Commission is composed of five members appointed by the Lieutenant Governor-in-Council for a term of one to three years, and each member is eligible for reappointment upon the expiration of term.

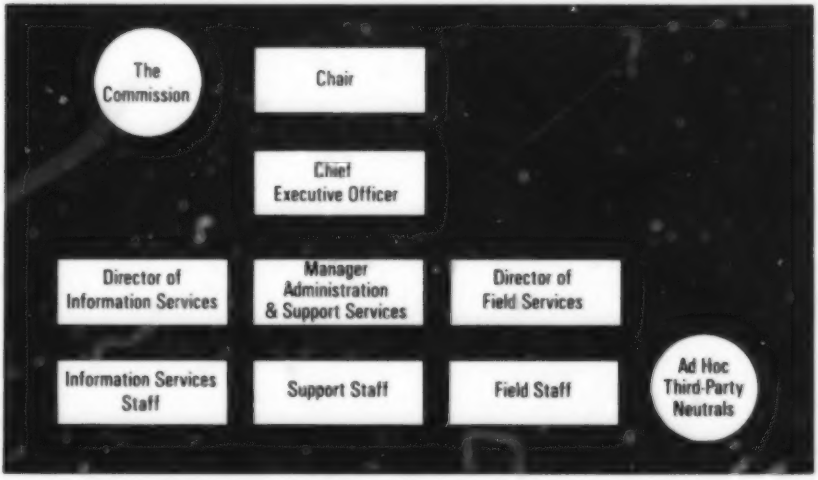
Dr. Bryan Downie's term as Chair expired on October 30, 1987. Ms. Katherine E. Swinton was appointed as Chair on November 1, 1987. Mr. David Allan Hayes was appointed Vice-Chair on May 11, 1988, replacing Mr. Gary O'Neill, whose term expired on December 21, 1987. Ms. Jane E. Scott resigned as commissioner on February 10, 1988, to accept an appointment as trustee with the Etobicoke Board of Education. Mrs. Trèva Legault Cousineau was appointed commissioner on May 11, 1988, to replace Ms. Scott. (A biographical sketch of each commissioner is provided in Appendix A.)

The commission has a permanent 17-member staff. In order to oversee bargaining in the more than 250 sets of negotiations that fall under its jurisdiction, the commission must supplement permanent staff with external human resources. The commission utilizes a cadre of more than 70 individuals appointed on a contractual basis as third-party neutrals. This arrangement has allowed the commission to have access to some of the most able third parties in the province.

All appointments and all major decisions and determinations are made by the commission; however, the day-to-day operations of the commission are managed by a chief executive officer. The operations of the ERC are divided into two major functions – Field Services and Information Services (an organizational chart is provided in Figure 1). Briefly, the role of Field Services is to monitor negotiation activity at the local level, while that of Information Services is to provide data to all parties involved in negotiation.

The extensive experience of its permanent staff, as well as the highly qualified external human resources available to the commission, have enabled the ERC to respond quickly and effectively to the needs of the negotiating parties.

Figure 1 Organizational Chart: The Education Relations Commission



II THE PARTIES

The parties involved in negotiations are the 2000 trustees and the 116 000 teachers who represent and work in the approximately 170 school boards in the province.

In general terms, there are four kinds of school boards. Boards of education (76) are non-denominational and each is divided into elementary and secondary panels. Roman Catholic school boards (37) operate both elementary and secondary schools. Roman Catholic Separate School Boards (12) operate elementary schools only, as do public district-school-area boards. There are, in addition, school boards on Canadian Forces Bases, in children's treatment centres, and one secondary school board. These other school boards exist to serve students in isolated or remote areas and students on crown land.

Board trustees and teachers, each have a parent body. For teachers, the parent body is the Ontario Teachers' Federation (OTF), an organization composed of representatives from the Federation of Women Teachers' Associations of Ontario (FWTAO), the Ontario Public School Teachers' Federation (OPSTF) (prior to August 1982, the Ontario Public School Men Teachers' Federation [OPSMTF]), the Ontario Secondary School Teachers' Federation (OSSTF), the Ontario English Catholic Teachers' Association (OECTA), and l'Association des enseignants et enseignantes franco-ontariens (AEFO). Bargaining rights reside with the branch affiliates of these bodies.

The trustees' parent organization is the Ontario School Trustees' Council (OSTC), which is composed of representatives from the Association of Large School Boards of Ontario (ALSBO), the Ontario Public School Trustees' Association (OPSTA), the Ontario Separate School Trustees' Association (OSSTA), l'Association française des conseils scolaires de l'Ontario (AFCSO), and the Northern Ontario School Trustees' Association (NOSTA).

III TEACHER/SCHOOL BOARD BARGAINING IN ONTARIO: A BRIEF HISTORY

On July 18, 1975, legislation granted teachers in Ontario the right to bargain collectively. Prior to the passage of this legislation, which would become known as Bill 100, the Ontario government had proposed a statute that would have included compulsory arbitration rather than the right to strike. In response to the proposed statute (Bill 275), both teachers' and trustees' organizations, albeit for different reasons, lobbied the government to include the right to strike in the legislation. The right to strike became a priority for teachers because they viewed compulsory arbitration as an ineffective form of dispute resolution. The trustees viewed compulsory arbitration as both an imposition on their right to manage and an erosion of local-board autonomy.

Moreover, those who drafted Bill 100 were convinced by events in the educational sector and in other jurisdictions that strike-prohibiting legislation is not generally effective. In fact, there was, and is, a view, supported by that of many labour-relations experts, that legislation prohibiting strikes might exacerbate employer/employee confrontation and adversarial feelings. Since the primary reason for proposing Bill 100 was to introduce to the province some stability and order in teacher/board bargaining, the right to strike was seen as a necessary part of the legislation.

The need for legislation governing teacher/board negotiations was obvious in the early 1970s. Teachers were demanding the right to bargain collectively on such issues as working conditions, grievance procedures, and financial remuneration. Some trustees viewed the collective-bargaining process as an infringement on management rights. The net result, in the absence of legislation, was that bargaining took place in a vacuum and that relationships between trustees and teachers were deteriorating on both an individual and an organizational level.

The School Boards and Teachers Collective Negotiations Act, 1975, brought order to this confusion by providing ground rules for collective bargaining. Although the most-publicized feature of the Act was the right to strike, realistic alternatives such as voluntary arbitration or final-offer selection were provided at each step in the bargaining process. Moreover, events leading to a legal strike or lock-out under the Act were regulated. For example, a strike or lock-out under the Act is not legal until:

- a fact-finder has met with the parties and his/her report has been made public;
- a fifteen-day cooling-off period takes place after the fact-finder's report is submitted to the parties;
- the teachers have voted (by secret ballot in a supervised vote) on the last offer of the school board; and
- the teachers have voted (by secret ballot in a supervised vote) to take strike action.

Other provisions in the Act should be noted. Negotiations take place at the school-board level between the local teachers' federation(s) and the school board. Separate negotiations are undertaken in the elementary and secondary panels of a board. The scope of negotiations is open, that is, all matters are negotiable. Each collective agreement is deemed to contain a procedure for the binding settlement of disputes arising out of the administration of the agreement if such a procedure has not been negotiated locally, and a strike or a lock-out is illegal during the term of the collective agreement.

Finally, the Act provided for a five-person commission, the ERC, to monitor and assist all local negotiations between teachers and school boards and to administer the Act.

The commission was given seven specific functions under Section 60 of the Act:

- to monitor all negotiations
- to collect data and provide it to all parties in collective negotiations
- to assist the parties in their collective negotiations
- to train third-party neutrals
- to adjudicate charges of lack of good-faith bargaining
- to supervise last-offer, strike, and ratification votes
- to advise the Lieutenant Governor-in-Council concerning jeopardy to students' courses of study in the event of a strike and/or lock-out

Four years after the passage of Bill 100, the Minister of Education announced in the Legislature the establishment of a commission to review the collective-negotiations process between teachers and school boards. This commission (referred to as the Matthews Commission, chaired by Dr. B.C. Matthews, then president of the University of Waterloo) submitted its report to the Minister of Education in June 1980. Based on an analysis of the efficacy of Bill 100 during its first four years, the Matthews Commission proposed a small, but nevertheless significant, set of recommendations for changes to the Act.

Redundant sections of the Act were removed in 1981 during a review of legislation by the provincial government. At that time, the Act was renamed and became the School Boards and Teachers Collective Negotiations Act, Revised Statutes of Ontario, 1980, Chapter 464.

Teacher/board negotiations were significantly altered when An Act Respecting the Restraint of Compensation in the Public Sector of Ontario and Monitoring of Inflationary Conditions in the Economy of the Province (Bill 179) was legislated. Bill 179, introduced in the Legislature on September 21, 1982, limited compensation increases in the public sector to a maximum of 9 per cent in the first year of the program (the "transitional" year) and 5 per cent in the second year (the "control" year). The legislation removed the right to strike or lock-out and also provided for the formation of the Inflation Restraint Board (IRB) to administer the Act, and to monitor wage and price increases in the public and private sectors.

During 1984-85, the dynamics of teacher/board bargaining were further changed with the introduction of An Act to Provide for the Review of Prices and Compensation in the Public Sector and for an Orderly Transition of the Resumption of Full Collective Bargaining (Bill 111). This Act provided for the return to normal forms of dispute resolution.

The Education Amendment Act (Bill 30) was introduced by the Minister of Education on July 4, 1985, and received Royal Assent on June 24, 1986. The provisions of Bill 30 extend full funding to those Roman Catholic separate school boards electing to perform the duties of a secondary school board for the appropriate jurisdictional area. To provide secondary school programs, the board must pass a by-law, which is subject to the approval of the minister.

Legislation established the Planning and Implementation Commission, whose responsibilities include advising the minister in respect of specific means by which the extension of the Roman Catholic school system to include secondary school education may best be carried out.

The provisions of the legislation are likely to have a significant effect on the bargaining structures and relationships between teachers and boards (see "Determination of Good-Faith Bargaining", page 24).

Since the legislation contemplates the gradual shift of a large number of secondary school students away from schools operated by boards of education (public school boards) to schools operated by a Roman Catholic school board, it was necessary to build into the legislation certain safeguards for those teachers and other employees of boards of education whose positions disappear as a direct result of the transfer of students.

A public school board is required in each of the first ten years to designate the persons on its staff whose services will no longer be required because of the election by the Roman Catholic school board to perform the duties of a secondary school board. The employment contracts of designated persons are transferred to the coterminous Roman Catholic school board. Designation is on the basis of seniority, and designated persons have certain guaranteed rights:

- The individual teaching contract or employment contract or employment relationship of the designated person must be assumed by the Roman Catholic school board.
- The person whose employment contract is assumed by the Roman Catholic school board must be employed in a position substantially similar to the position in which he/she was previously employed.
- If there is no similar position available, the designated person is entitled to training for an alternate position and is to be retained on staff.
- If a designated person objects for reasons of conscience, the public school board is required to designate another person unless it is of the opinion that the objection has not been made in good faith.
- A designated person is entitled in the first year to an annual salary of not less than the salary that he/she would have received had he/she not transferred.
- A designated person maintains seniority and probationary or permanent status, whichever applies.
- A designated person's sick-leave credits must be transferred.
- Upon termination of employment of a designated person, a gratuity is payable, shared by both boards in the ratio that the number of years with each board bears to the total years of service.
- The Human Rights Code applies to the designated person with respect to advancement or promotion, notwithstanding Section 23 of the Code.

Designated persons must agree to respect the philosophy and traditions of Roman Catholic separate school boards in the performance of their duties.

Disputes in respect of designation or of failure to designate may be resolved by the grievance-arbitration procedure outlined in Section 136m of Bill 30. Parties to a grievance are the public board or the Roman Catholic school board and the organization that has jurisdiction over a designated person's current employment in accordance with the terms of a collective agreement.

The Education Relations Commission has a role to play in this procedure. If one or both parties fails to give notice accepting a single arbitrator or appointing a second arbitrator, the ERC appoints an arbitrator or arbitrators at the request of either party. Consent of the ERC is required for an arbitration board to extend the time for a decision beyond the statutory sixty days.

IV NEGOTIATIONS

During the 1987-88 reporting year, collective agreements were reached covering the terms and conditions of employment of approximately 115 000 teachers in Ontario. The number of school boards and the branch affiliates by type, and the number of teachers employed by those boards, are summarized in Table 1.

Table 1 School Boards, Branch Affiliates, and Teachers in Ontario, 1987-88

		Number of Branch Affiliates							
Board Classification	Number of Boards	FWTAO	OPSTF	OECTA ELEM	OECTA SEC	AEFO ELEM	AEFO SEC	OSSTF	FOPSAT***
Boards of Education	76*	76	76	–	–	10	22	76	–
Metro Toronto School Board*	1	1	1	–	–	–	–	–	–
Roman Catholic School Boards	37	–	–	37	35	30	12	1	–
Roman Catholic Separate School Boards	12	–	–	11	–	10	–	–	–
Other Separate School Boards**	9	1	1	4	–	5	–	–	–
Other Public School Boards	19	19	19	–	–	–	–	–	–
Secondary School Boards	1	–	–	–	–	–	–	1	–
Boards on Crown Lands, Hospital and Hydro Centres, and the Provincial Schools Authority	15	14	14	–	–	4	1	3	1
Total	**170**	**111**	**111**	**52**	**35**	**59**	**35**	**81**	**1**
Number of Teachers	116 155	33 466	14 173	26 226		5 859		35 834	597

* The Metropolitan Toronto School Board, which operates schools for the trainable retarded, does not operate elementary and secondary schools as such; however, its teachers are members of the elementary school branch affiliates, FWTAO and OPSTF.

** Includes one Protestant separate school board.

***Federation of Provincial Schools Authority Teachers

Note: Table 1 includes only boards that operate schools.

RENEWALS UNDER THE ACT

It should be noted that the number of negotiations during any given year will vary because of the existence of multi-year agreements; that is, under ordinary circumstances not every collective agreement comes up for renewal annually. As noted in Table 2, 145 of 258 agreements were subject to negotiations in 1987-88.

Table 2 Status of Negotiations, 1987-88

Board Classification	Not Subject to Negotiation*	Subject to Negotiation
Boards of Education – Elementary**†	37	41
Boards of Education – Secondary**	33	49
County & District Combined Roman Catholic Separate School Boards	27	35
Other School Boards	16	20
Total	**113**	**145**

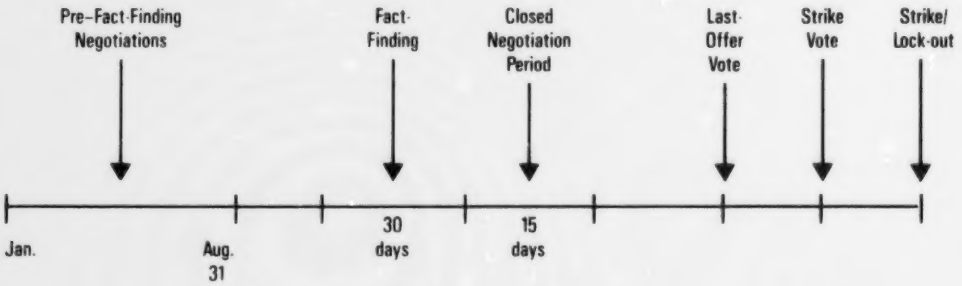
* Concluded a multi year settlement during a previous year.
**Includes central agreement covering boards of education within Metropolitan Toronto.
† Includes Metropolitan Toronto School Board and teachers in the schools operated for the trainable retarded.

THIRD-PARTY APPOINTMENTS

Figure 2 shows the possible stages in negotiations under Bill 100. The Act specifies that all collective agreements expire on August 31. If there are to be negotiations to renew the collective agreement, one of the parties is required to give its intent to negotiate (to the other party and to the commission) in January of the expiry year.

Negotiations between the parties typically occur from January to August, without intervention from the ERC, but if a settlement has not been reached by August 31, a fact-finder must be appointed by the commission. The commission may appoint a mediator to assist the parties at any stage in the negotiations.

Figure 2 Negotiation Stages Under Bill 100



While it is possible for mediation and fact-finding to occur *prior* to August 31, it is more typical for events to proceed as portrayed in Figure 2. If a fact-finder is appointed, he/she has thirty days to hold a hearing with the parties and file a written report with the commission and the parties. The report remains confidential for a fifteen-day period; however, if no settlement is reached during those fifteen days, the report is released to the public. The teachers are then in a position to request commission-supervised votes on acceptance or rejection of the school board's last offer and on the strike option.

Fact-Finding

Fact-finding affords an opportunity for the negotiating parties to clarify and narrow the differences in their positions on various issues in order to reach a settlement when the collective agreement expires. As noted, the process becomes mandatory after August 31 (the contract expiry date in all teacher/school board collective agreements). Further, such a procedure is necessary under the Act before teachers can take strike action or before a school board can initiate a lock-out. The fact-finding process also recognizes the public's right to know the substantive, procedural, and attitudinal issues of a dispute prior to its interrupting the normal school program.

The commission may appoint a fact-finder at any time during negotiations, either upon the request of one or both parties or upon the commission's deeming that the negotiations have reached an impasse and would benefit from such assistance. The fact-finder, a third-party neutral, investigates the particular local situation and then files a written report with the commission. A time limit of thirty days is established in the Act for the fact-finder to meet with the parties, examine their written submissions, listen to oral arguments, write the report, and submit it to the commission. The commission, in turn, delivers the report to the parties.

The report must set out those matters upon which the parties have agreed as well as those in dispute. A fact-finder may make recommendations regarding any matter that he/she feels is relevant and on any of the items in dispute. The fact-finder's recommendations, which are not binding upon the parties, often narrow their differences, or are accepted by the parties in whole or in part.

It is clear from experience in the years since the passage of the Act that fact-finding has the potential to assist, and in many cases actually has assisted, the parties to reach negotiated settlements. To date, the commission and the negotiating parties have generally found it to be a useful process that has worked reasonably well. However, before the Matthews Commission, fact-finding was sometimes cited as one of the reasons that negotiations were prolonged. There were also submissions that fact-finding in some instances was ineffective and perhaps over-utilized by some of the parties.

We have reported in previous annual reports that, under any labour legislation (including Bill 100), there is a very real danger that a process such as fact-finding will be ignored or misused by the parties, thereby weakening the philosophical thrust of the Act and undermining its effectiveness. As a consequence, the commission has encouraged the parties to utilize fact-finding only if absolutely necessary. The commission's preference is, wherever possible, to have the parties settle prior to the point when, under the Act, a fact-finder must be appointed. Also, the commission has attempted to improve the effectiveness of the fact-finding process and has conveyed to its third parties that a meaningful fact-finder's report – one that addresses in a concrete way the substantive and procedural issues in a dispute – is an essential part of the process.

In the 1984-85 reporting year, 57 per cent of negotiations (130 of 227) required that the commission appoint fact-finders. This figure was one of the highest since the inception of the commission. On this matter, in its 1984-85 Annual Report the commission stated: "The high number of appointments was not a surprise. That is, the 1984-85 results may simply be the result of bargaining inactivity [because of the Inflation Restraint Act]. On the other hand, the rate may be an indication that the legislation should be examined once again."

By comparison, the results for 1986-87 and 1987-88 with respect to fact-finding are encouraging. Table 3 lists the number of fact-finder appointments for 1987-88. Table 4 shows the number of fact-finder appointments from 1976-77 through 1987-88 (in absolute numbers and as a percentage of the number of negotiating situations). As revealed in Table 4, in relative terms there has been a return to the more typical experience under Bill 100. In roughly one-third of the cases the parties required a fact-finder's report before settling, a result not significantly divergent from those of previous years.

Table 3 Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1987-88

Board Classification	Fact-Finder Appointments	Reports Released to Parties	Reports Made Public
Boards of Education – Elementary	14	6	6
Boards of Education – Secondary	16	8	7
County & District Combined Roman Catholic Separate School Boards	15	15	13
Other School Boards	5	2	1
Total	**50**	**31**	**27**

Table 4 Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1976-77 to 1987-88

Year	Number of Situations Negotiating	Fact-Finder Appointments	Reports Released to Parties	Reports Made Public
1976-77	189	71 (37.6%)	51 (27.0%)	39 (20.6%)
1977-78	210	63 (30.0%)	54 (25.7%)	42 (20.0%)
1978-79	207	114 (55.1%)	95 (45.9%)	69 (33.3%)
1979-80	180	109 (60.5%)	86 (47.8%)	77 (42.8%)
1980-81	132	49 (37.1%)	43 (32.6%)	34 (25.8%)
1981-82	168	50 (29.8%)	37 (22.0%)	29 (17.3%)
1982-83	173	62 (35.8%)	52 (30.1%)	48 (27.7%)
1983-84	178	0	0	0
1984-85	227	130 (57.3%)	108 (47.6%)	92 (40.5%)
1985-86	192	81 (42.2%)	62 (32.3%)	53 (27.6%)
1986-87	190	80 (42.1%)	67 (35.3%)	57 (30.0%)
1987-88	145	50 (34.5%)	31 (21.4%)	27 (18.6%)

Mediation

Mediators, or "persons to assist" as they are referred to under Section 13 of the Act, can be appointed at any time, either at the direction of the commission or, with commission concurrence, at the request of one or both negotiating parties. Table 5 shows the number of mediators appointed in 1987-88 and in each bargaining round since the inception of the Act. Mediators were appointed in 31 situations in the 1987-88 bargaining year, or in slightly more than 21 per cent of the cases. (This figure represents a decrease over the previous year, when 34.2 per cent of the cases required mediation, and is well below the rate for 1984-85, when mediators were appointed in 42 per cent of the cases.)

Table 5 Appointment of Mediators, 1975-76 to 1987-88

	Number of Negotiations Conducted	Number of Mediators Appointed	Per Cent of Negotiations Conducted With Mediators
1975-76	205	51	24.9
1976-77	189	38	20.1
1977-78	210	58	27.6
1978-79	207	72	34.8
1979-80	180	63	35.0
1980-81	132	35	26.5
1981-82	168	47	28.0
1982-83	173	50	28.9
1983-84	178	5	2.8
1984-85	227	96	42.3
1985-86	192	49	25.5
1986-87	190	65	34.2
1987-88	145	31	21.4

As indicated in Table 6, no mediation was required in 114 of the 145 negotiations (in 79 per cent of the cases). The results indicate a rate of third-party activity roughly in line with those of previous negotiation rounds (see Table 7). Also, as indicated in Table 7, the fact that no mediation was required both before and after fact-finding suggests a reduction in the length of mediation.

Table 6 Assignment of Mediators, 1987-88

Board Classification	Number of Situations Negotiating	No Mediation	Mediation Only	Mediation Pre-Fact-Finding Only	Mediation Post-Fact-Finding Only	Mediation Both Pre- and Post-Fact-Finding
Boards of Education - Elementary	41	34	1	–	6	–
Boards of Education - Secondary	49	40	4	1	4	–
County & District Combined Roman Catholic School Boards	35	21	2	–	12	–
Other School Boards	20	19	–	–	1	–
Total	**145**	**114**	**7**	**1**	**23**	**–**

Table 7 Assignment of Mediators, 1976-77 to 1987-88

Year	Number of Situations Negotiating	No Mediation	Mediation Only	Mediation Pre-Fact-Finding Only	Mediation Post-Fact-Finding Only	Mediation Both Pre- and Post-Fact-Finding
1976-77	189	151 (79.9%)	7 (3.7%)	2 (1.0%)	28 (14.8%)	1 (0.5%)
1977-78	210	152 (72.4%)	21 (10.0%)	3 (1.4%)	24 (11.4%)	10 (4.8%)
1978-79	207	135 (65.2%)	9 (4.3%)	7 (3.4%)	47 (22.7%)	9 (4.3%)
1979-80	180	117 (65.0%)	4 (2.2%)	3 (1.7%)	46 (25.5%)	10 (5.5%)
1980-81	132	97 (73.5%)	9 (6.8%)	3 (2.3%)	21 (15.9%)	2 (1.5%)
1981-82	168	121 (72.0%)	16 (9.5%)	10 (5.9%)	17 (10.1%)	4 (2.4%)
1982-83	173	123 (71.1%)	13 (7.5%)	20 (11.6%)	14 (8.1%)	3 (1.7%)
1983-84	178	173 (97.2%)	5 (2.8%)	0	0	0
1984-85	227	131 (57.7%)	22 (9.7%)	16 (7.0%)	48 (21.1%)	10 (4.4%)
1985-86	192	143 (74.5%)	8 (4.2%)	10 (5.2%)	30 (15.6%)	1 (0.5%)
1986-87	190	125 (65.8%)	12 (6.3%)	23 (12.1%)	30 (15.8%)	0
1987-88	145	114 (78.6%)	7 (4.8%)	1 (0.7%)	23 (15.9%)	0

Table 8 shows the number of jurisdictions that received either fact-finding or mediation assistance. A noticeable decrease occurred between 1986-87, when 48.4 per cent of the bargaining situations required assistance, and 1987-88, when 39.3 per cent had either fact-finding or mediation. In fact, of those years in which negotiations were undertaken, 1987-88 had the lowest incidence of reliance on third parties in the legislation's history.

Overall, therefore, the amount of third-party activity in 1987-88 can be characterized as well below average when compared to that of previous years.

Table 8 Jurisdictions Receiving Either Fact-Finding or Mediation Assistance, 1976-77 to 1987-88

Year	Number of Situations Negotiating	Fact-Finder Appointments	Mediation Appointments	Total	%
1976-77	189	71	7	78	41.3
1977-78	210	63	21	84	40.0
1978-79	207	114	9	123	59.4
1979-80	180	109	4	113	62.8
1980-81	132	49	9	58	43.9
1981-82	168	50	16	66	39.3
1982-83	173	62	13	75	43.3
1983-84	178	0*	5	5	2.8
1984-85	227	130	22	152	67.0
1985-86	192	81	8	89	46.3
1986-87	190	80	12	92	48.4
1987-88	145	50	7	57	39.3

*No appointments as a result of provincial restraint legislation

SUPERVISED VOTES: LAST-OFFER, STRIKE, AND RATIFICATION

Prior to any strike activity, teachers must first request (in writing) the board's last offer concerning all matters agreed upon and all matters remaining in dispute. A secret-ballot vote on the board's last offer must then be conducted under the commission's supervision. If teachers reject this offer, a second secret-ballot vote to determine whether teachers favour a strike may then be held, again under the supervision of the commission. Any ratification vote ending a strike also must be supervised by the commission.

Table 9 shows the number of last-offer, strike, and ratification votes conducted by the commission over its history, including the 1987-88 round. A total of fifteen votes – seven last-offer, five strike, and three ratification – were supervised by the commission in 1987-88.

The number of last-offer and strike votes represents the negotiations that proceed, or almost proceed, to sanction. Therefore, last-offer and strike votes are an index of the degree of difficulty in achieving resolution in a particular negotiation round. The number of votes conducted in 1987-88 was lower than in all but two years since the Act's passage in 1975 (except for 1983-84, when provincial restraint legislation pre-empted negotiations).

Table 9 Supervised Board's Last-Offer, Strike, and Ratification Votes, 1975-76 to 1987-88

Year	1975-76	76-77	77-78	78-79	79-80	80-81	81-82	82-83	83-84	84-85	85-86	86-87	87-88	Total
Last-Offer Votes														
Elementary*	–	–	2	1	1	–	–	–	–	3	1	1	1	
Secondary	15	5	8	9	12	1	7	4	–	23	7	8	–	
RCS	–	5	5	3	12	3	5	–	–	13	7	7	6	
Other	–	–	–	1	1	1	–	–	–	–	–	–	–	
Total	15	10	15	14	26	5	12	4	–	39	15	16	7	178
Strike Votes														
Elementary	–	–	1	1	1	–	–	–	–	–	1	1	–	
Secondary	15	4	7	4	9	1	5	1	–	16	4	7	–	
RCS	–	1	4	2	7	2	5	–	–	7	5	6	5	
Other	–	–	–	1	1	–	–	–	–	–	–	–	–	
Total	15	5	12	8	18	3	10	1	–	23	10	14	5	124
Ratification Votes														
Elementary**	–	–	–	–	2	–	–	–	–	–	–	–	1	
Secondary	–	1	5	2	4	2	3	–	–	2	2	1	–	
RCS	–	–	1	–	2	1	2	–	–	3	1	5	2	
Other	–	–	–	–	–	–	–	–	–	–	–	–	–	
Total	–	1	6	2	8	3	5	–	–	5	3	6	3	42
Total Vote by Year	**30**	**16**	**33**	**24**	**52**	**11**	**27**	**5**	**–**	**67**	**28**	**36**	**15**	**344**

*Includes central agreement covering boards of education within Metropolitan Toronto.
**Boards of education within Metropolitan Toronto counted individually.

STRIKES, LOCK-OUTS, AND SCHOOL CLOSINGS

Of the 145 sets of negotiations in the 1987-88 reporting year (see Table 2), 3 resulted in sanctions (see Table 10). Of these 3 sanctions, 2 involved Roman Catholic school boards. The remaining teacher strike was undertaken by elementary teachers employed by boards of education located within Metropolitan Toronto. All 3 sanctions took the form of a complete withdrawal of services by the teachers involved.

The strikes in the two Roman Catholic school boards were of relatively short duration. The Lakehead Roman Catholic School Board sanction, which occurred over the issue of retirement gratuity, affected eleven instructional days. The Hearst Roman Catholic Separate School Board sanction, which occurred over the issues of retirement gratuity and teacher aides, affected six instructional days. The Lakehead RCSB sanction was resolved with the assistance of a mediator.

After twenty months of negotiations, approximately 9000 elementary teachers in Metropolitan Toronto's boards of education commenced a strike on September 22. The school programs of about 140 000 students were affected for 18 school days. The focal issue in the dispute was preparation time: teachers wished to establish within the collective agreement a guaranteed minimum period of time for preparation during the school day. In addition to a fact-finder, the commission appointed two mediators, and a total of about 500 hours of mediation was provided in assisting the parties to reach a settlement.

Table 10 Strikes, Lock-outs, and Closings of Schools, September 1, 1987, to August 31, 1988

Board	Number of Schools	Number of Teachers in Branch Affiliate(s)	Number of Students Affected	Type of Sanction	Duration of Sanction	Final Settlement
Boards of Education Within Metro Toronto – Elementary	490	8 811.1	136 464	Full withdrawal	Sept. 22 – Oct. 18/87 (18 inst. days)	Negotiated with mediation assistance
Lakehead RCS Board	23	422.2	6 979	Full withdrawal	Mar. 1 – Mar. 22/88 (11 inst. days)	Negotiated with mediation assistance
Hearst RCSS Board	4	70	1 179.5	Full withdrawal	Apr. 8 – Apr. 17/88 (6 inst. days)	Negotiated

Note: A complete record of sanctions since the passage of the Act is included in Appendix B.

At any time during negotiations, the parties can mutually agree to choose one of two options for third-party resolution: voluntary binding arbitration or final-offer selection (the process involved in each option is described below). If a negotiated settlement is reached at any time during these procedures, the process is automatically terminated. As indicated in Table 11, neither voluntary binding arbitration nor final-offer selection was utilized in any jurisdiction during the 1987-88 round of negotiations.

Voluntary Binding Arbitration

Under voluntary binding arbitration, the parties may refer all matters remaining in dispute to either an arbitrator or a board of arbitration. Within seven days of the appointment of the arbitrator or chairman of the arbitration board, each party must submit to the other party, and to the arbitrator/chairman, written notice of all matters agreed upon during negotiations and all matters remaining in dispute. The arbitrator or board of arbitration is responsible for establishing procedures that give both parties full opportunity to present their evidence and make their submissions.

Table 11 Agreements Reached by Voluntary Binding Arbitration or Final-Offer Selection, 1987-88

Board Classification	Agreements Reached by Voluntary Binding Arbitration	Agreements Reached by Final-Offer Selection
Boards of Education – Elementary	–	–
Boards of Education – Secondary	–	–
County & District Combined Roman Catholic Separate School Boards	–	–
Other School Boards	–	–
Total	**0**	**0**

Within sixty days of the appointment of the arbitrator/chairman, or any longer period of time agreed to by both parties, the arbitrator or board of arbitration must provide the parties with a written report of the decision reached. The decision of the arbitrator or board of arbitration is final and binding, and the parties are required, within thirty days of receipt of that decision, to incorporate, within a signed agreement, the matters agreed to in negotiations and the decision rendered through arbitration.

Final-Offer Selection

Under final-offer selection, each party's final position concerning the items remaining in dispute, together with any supporting evidence, is presented to a selector and to the other party within fifteen days of the appointment of a selector. Each party may then provide a written response to the other party's position, and the selector may hold a hearing.

Within fifteen days of the hearing (or of notice from the parties to dispense with the hearing), the selector must choose one party's final offer *in its entirety*. This offer is then incorporated into an agreement that also includes those items agreed to by the parties during negotiations.

GRIEVANCE ARBITRATION

Grievance-procedure clauses in some collective agreements specify that the commission be asked to appoint a single arbitrator or chairman of an arbitration board to resolve a grievance as the final and binding step of the procedure.

During 1987-88, the commission made eight such appointments, seven of chairmen of arbitration boards and one of a single arbitrator (see Table 12).

Table 12 Appointments Concerning Grievance Arbitration, 1987-88

Board Classification	Number of Appointments by ERC	Nature of Appointments
Boards of Education – Elementary	–	–
Boards of Education – Secondary	–	–
County & District Combined Roman Catholic School Boards	8	1 Single Arbitrator 7 Chair
Other School Boards	–	–
Total	**8**	

Note: Appointments since 1976-77 are presented in Table 13.

Table 13 Appointments Concerning Grievance Arbitration, 1976-77 to 1987-88

Year	Number of Appointments by ERC
1976-77	9
1977-78	13
1978-79	13
1979-80	8
1980-81	14
1981-82	3
1982-83	3
1983-84	7
1984-85	8
1985-86	10
1986-87	8
1987-88	8

DETERMINATION OF GOOD-FAITH BARGAINING

Table 14 outlines the number of complaints of failure to bargain in good faith received by the Education Relations Commission in 1987-88.

On February 23, 1988, District 22 of the Ontario Secondary School Teachers' Federation requested a determination from the ERC that the Perth County Board of Education had not bargained in good faith.

The complaint centred around the fact that the board had denied all six applications for the Retirement Inducement Severance Allowance Plan (hereinafter referred to as the RISAP).

The teachers also filed a grievance under the collective agreement pertaining to the denial of the applications. As a result, counsel for the board made a preliminary objection to the jurisdiction of the Education Relations Commission to deal with the request for a determination of failure to bargain in good faith.

In its determination with respect to this preliminary objection the commission stated:

> There are good reasons to prefer arbitration to a bad faith complaint when there is a difference between the parties concerning the application or interpretation of a collective agreement, as the earlier commission decision has suggested. Where a complaint of bad faith bargaining is embedded in the administration of the collective agreement, it will usually be preferable to leave the resolution of the dispute to arbitration, allowing the parties to select their own adjudicator and to control the process. As well, there may be circumstances where the relief available from an arbitration board is more flexible and efficacious than that which the commission can give. However, deference is not always appropriate, as other labour boards have found, particularly where the dispute raises issues under the commission's statute which may not be satisfactorily resolved by the arbitration process.
>
> In this case, it is not appropriate for the commission to defer to arbitration for several reasons. First, the allegation here is bad faith bargaining in June of 1987 when the parties were trying to make a new collective agreement. The complaint, as framed to come within our jurisdiction, is not about the application and interpretation of the collective agreement; rather, we are asked to deal with the conduct of the parties at the time of negotiations, with the evidence pertaining to the administration of the agreement relevant only to show bad faith at an earlier time. Thus, this case is quite different from the earlier one before the commission, where the dispute centred on the application of the agreement. Here, the commission is not being asked to perform the function of an arbitration board, but is being asked to make a determination about the conduct of bargaining over a collective agreement.
>
> A second concern here is the apparent lack of access to arbitration to resolve the dispute because of the terms of the collective agreement. This is not a case where the parties' difference seems capable of resolution by arbitration because of the bar on grievances under the RISAP. (Of course, we are making no determination about the jurisdiction of an arbitration board, as that is not our function.) In order to deal with a difference that has created difficulty in the parties' relationship and, hopefully, to address this source of conflict, it is important for the commission to deal with the matter.
>
> Thus, the commission has decided to deal with the merits of the bad faith complaint. Again, it is important to emphasize the scope of our inquiry: we are not acting in the same manner as an arbitration board dealing with the Board's authority to deny the RISAP applications; rather, we are empowered by s.60(1)(f) of the Act to determine "whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement." The concern is the conduct of the Board during negotiations

and not the merits of the teachers' applications in February, 1988, except as later events shed light on the earlier conduct. It is the bargaining process with which we are concerned, a matter within our jurisdiction, since s.60(1)(f) permits the commission to look at whether a party has, in the past, negotiated in good faith.

In dealing with the merits of the issue, the commission determined as follows:

> From the evidence, as we have indicated, we do not believe that the Board's negotiator misled the teachers. Mr. Bowman testified that he explained the Board's understanding of the criteria underlying the RISAP: the problems of redundancy from declining enrolment and the need to maintain a mix of experience among members of the teaching staff. He also indicated that there was no further need for the plan. He may not have said in plain words that applications under the plan would, in all likelihood, be rejected in the coming year, but he certainly left the clear inference that would be the case. Moreover, his concern about the grievability of denials of applications should have given rise to an inference that the Board might well reject applications this year for the first time and for the reasons which he had discussed in explaining the Board's understanding of the rationale for the programme. Indeed, Richard Curtis, then President of the District and a member of the teachers' negotiating team, conceded in cross-examination that he realized that there was a possibility that the Board would deny all applications.
>
> While the negotiators for the teachers may have misunderstood the import of the information provided by Mr. Bowman about the RISAP, that does not make the Board guilty of bad faith bargaining, for there is no evidence that the Board and its negotiators tried to mislead the teachers or that important evidence was concealed to the detriment of the teachers. Indeed, the teachers' request for consultation before applications for the RISAP were denied indicates an awareness that denials could occur and a desire for some input into the process.
>
> Counsel for the teachers argued that the November meeting between Board and teacher representatives about changes to the plan indicated the Board's bad faith. We disagree. The discussion about the date indicated the Board's willingness to maintain the plan if there was a need for it, and the Board felt that there would be a better indication of redundancy in May than in February. Again, the Board seems to have taken a consistent position that the purpose of the plan was to deal with redundancy and teacher mix.
>
> For these reasons, we conclude that the Board did not bargain in bad faith in June of 1987 when it agreed to the RISAP proposal. If the teachers' team misunderstood the Board's understanding of the RISAP and the likelihood that no applications would be granted under the plan, it was not because of misleading statements or representations by the Board negotiators. A requirement that the Board disclose its understanding of the terms of the collective agreement and the Plan more clearly than it did in order to avoid a charge of bad faith would place unworkable constraints on those engaged in bargaining. Therefore, the request for a determination that the Board bargained in bad faith is denied.

Table 14 Good-Faith Bargaining Charges, 1987-88

Complainant	Respondent	Disposition
Branch Affiliate of OECTA (Secondary)	Hamilton-Wentworth RCS Board	Withdrawn
Branch Affiliate of OSSTF	Perth County Board of Education	Dismissed
Branch Affiliate of OECTA (Secondary)	Lincoln County RCS Board	Withdrawn
Branch Affiliate of OECTA (Elementary)	Lincoln County RCS Board	Withdrawn
Branch Affiliate of FWTAO	Kashabowie District School Area Board	Withdrawn

ADVISEMENTS

During the 1987-88 reporting year, no advisements were issued by the commission to the Lieutenant Governor-in-Council concerning a strike, lock-out, or closing of schools that would place in jeopardy the successful completion of courses of study by students.

JUDICIAL REVIEW OF THE DETERMINATION OF THE COMMISSION WITH RESPECT TO THE HAMILTON-WENTWORTH ROMAN CATHOLIC SCHOOL BOARD AND THE TEACHERS EMPLOYED BY THE BOARD

On June 10, 1987, the commission was advised that the Hamilton-Wentworth Roman Catholic School Board was commencing an Application for Judicial Review in the Supreme Court of Ontario. A hearing scheduled for July 7 and 8, 1988, was postponed until the fall because of illness of legal counsel representing one of the teacher affiliates.

Policy Change

The provisions of Section 60 of the statute require that the commission determine the manner of conducting and supervising votes by secret ballot pursuant to the statute.

Problems have arisen in the past when eligible voters have been unable to vote because of prior commitments such as out-of-town field trips or professional-development activities arranged before announcement was made of the date of the vote. In order to accommodate these eligible voters, the commission amended the publication *Policies, Procedures and Forms* to include ERC Policy No. 15A, which provides for the setting up of an advance poll with respect to votes concerning the offer of the board last received and possible strike action. There is no provision for an advance poll with respect to a ratification vote after the commencement of a strike.

DURATION OF AGREEMENTS

The rate of negotiation activity for the 1987-88 reporting year was slightly lower than that for the previous year because of an increase in the number of two- or three-year agreements. In 1987-88 eighty-seven agreements were signed covering two or more years (see Table 15). Thus, the level of negotiation activity will be reduced in 1988-89.

Table 15 Duration and Termination Dates of Settlements Concluded, 1987-88

Board Classification	Not Settled	1 Year Aug. 31/88	2 Years Aug. 31/89	3 Years Aug. 31/90
Boards of Education – Elementary	–	17	20	4
Boards of Education – Secondary	–	24	24	1
County & District Combined Roman Catholic School Boards	1	5	23	5
Other School Boards	–	11	8	2
Total	**1**	**57**	**75**	**12**

FIELD SERVICES

Monitoring of Negotiations

The comission stays informed about negotiations between teachers and school boards through its Field Services staff. Two field officers, under the direction and supervision of the director of Field Services, are responsible for monitoring the negotiations in all jurisdictions in the province. Regular contact, undertaken through both on-site visits and telephone, enables the individual field officer to gain an understanding of emerging issues in negotiations, to get to know the parties involved, and to become thoroughly familiar with important developments at the local level. In turn, the parties become better acquainted with the commission's representatives and more knowledgeable about the Act and the commission's policies, procedures, and resources. Through this exchange, information as to progress is gathered, and procedures and requirements under the Act are clarified.

Maintaining an intimate awareness of negotiations between branch affiliates (a branch affiliate, comparable to a local union, is composed of all the teachers employed by a board who are members of one of the provincial teachers' federations or associations) and school boards is particularly advantageous when appointments of third-party neutrals by the commission become necessary. In making judgments regarding the appropriateness or timing of an appointment and/or the individual to be named as mediator or fact-finder in any given area, the commission has been able to rely on the firsthand information and advice of its Field Services staff.

Field Services staff formally analyse all upcoming sets of negotiations early in the negotiation year. These analyses include an assessment of the degree of difficulty likely to characterize each situation and the identification of potentially troublesome issues and barriers or stumbling-blocks to settlement. In making their analyses, Field Services staff include recommendations regarding the style, timing, and type of third-party assistance appropriate to each situation. This material is summarized and evaluated against previous developments in the particular teacher/school board relationship. Such analyses lead to more effective and economical third-party appointments being made, and ensure that appointment decisions are made on an informed basis.

In the monitoring activities of the Field Services staff, emphasis is placed on the field officer's establishing a high profile with the parties involved and on his/her strengthening of relations with the branch affiliates and school boards in order to enable the commission to provide the best possible service to the negotiating parties.

In addition to the monitoring and third-party appointment processes, Field Services staff are intensively involved in a number of other commission endeavours, including selecting, training, and evaluating third parties; administering quasi-judicial matters; and undertaking preventive-mediation programs. The activities of the Field Services staff during the 1987-88 reporting year are documented below.

Selection and Training of Third Parties

Field Services staff participate not only in the appointment of third-party neutrals, but also in their selection, training, and evaluation.

School Divisions, Southern Ontario

Selection of Third Parties

Clause 60(1)(e) of the Act directs the commission "to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, and selectors."

The commission selects persons to appoint from a list of qualified fact-finders and mediators to assist in collective negotiations, as required. Its roster includes men and women from a variety of occupations, including labour/management arbitrators, labour lawyers, academics, and former educational administrators and teachers. The commission continues to recruit a number of third parties who are bilingual.

Today, individuals selected by the commission not only must bring strong qualifications to the ERC, but also must participate in the commission's training programs. As well, the commission now undertakes an evaluation of its third parties, and only those individuals who are considered to have performed well are reappointed. The commission continues to seek individuals whose background, experience, and understanding of collective bargaining in education render them eligible to provide the kind of third-party assistance required by the ERC.

Training of Third Parties

The training of third-party neutrals continues to be an integral part of the role of Field Services.

In 1986-87, the commission focused on expanding its roster of women and bilingual third parties. These efforts continued in 1987 and 1988 with orientation seminars focusing on the legislation, policies governing the Education Relations Commission, and the strategies used by experienced third parties. A thorough discussion of the expectations of both the local parties and the commission rounded out the seminars.

All participants were subsequently invited to attend the fact-finding workshop on June 23 and 24 as the culmination of the training program. Each was given the opportunity to write an unofficial fact-finding report based on an actual hearing and have it analysed and evaluated in group session.

During this training period, the potential third parties were appointed as assistant fact-finders in jurisdictions around the province in order to gain firsthand experience of a hearing and were asked to write a report to be evaluated.

These training sessions were considered a tremendous success in evaluations provided by the participants themselves, and the ERC now has a significantly expanded roster of capable third parties available for appointment.

During the reporting period, the commission also was involved in activities that employed experienced third parties. On the eve of the collective-bargaining workshop for local parties, the ERC hosted a dinner for experienced third parties, providing them with an opportunity to meet the new Chair and members of the commission and to share experiences with one another.

The guest speaker after dinner was Mr. Owen Shime, the first Chair of the ERC, who placed the commission and the development of the data to aid the parties in negotiations in historical perspective. Many of the third parties remained for the session for local parties outlined below.

On May 27, the commission sponsored a one-day collective-bargaining workshop for local parties at the Cara Inn in Toronto. Invitations were extended to teachers' and trustees' organizations, local teachers and trustees, and third parties to participate in examining the collective-bargaining process in general and educational bargaining in Ontario in particular.

The response was overwhelming; more than two hundred representatives from all regions of the province attended the workshop that offered sessions on current topics, such as "The Fact-Finding Process: A Recent Review" by Professor Rick Jackson, School of Business, Queen's University, which offered an in-depth study of the nature and

Roman Catholic Separate School Zones, Southern Ontario

efficacy of the fact-finding process under Bill 100; "Mediation as Seen Through the Optic of Collective Bargaining" by Tom Colosi, vice-president of the American Arbitration Association, which explored what actually happens in a mediation and the extent to which negotiating skills are constantly used in a variety of situations; and "A Consideration of Teacher/School Board Bargaining Relationships" by Professor Jeffrey Gandz, School of Business, University of Western Ontario, which examined the elements that contribute to good and bad collective bargaining.

The feedback from the participants indicated that the workshop was well received and pertinent to today's negotiating atmosphere. It also provided an opportunity to introduce the new commission Chair, Katherine Swinton, to many of those directly involved in teacher/school board bargaining.

Administration of Quasi-judicial Matters

Field services staff are involved in two areas: the appointment of returning officers when branch affiliates request to hold commission-supervised votes and the investigation of complaints alleging the failure of a party to negotiate in good faith.

Commission-Supervised Votes

Following the public release of a fact-finder's report, a branch affiliate is in a position to request that the commission supervise a vote by its members on the last offer received from the school board and/or on whether or not a strike is favoured. Also, in a strike situation, the teachers are required to conduct a commission-supervised vote concerning the approval of the terms of agreement once a settlement is reached.

During the 1987-88 reporting year, a review of the policies related to voting resulted in the adoption of a new policy establishing an advance poll in conjunction with the last-offer-received and strike votes. This poll would be available to teachers unable to attend the regularly scheduled poll because of a work-related scheduling conflict, for medical reasons, or for reasons of religious belief.

Field Services staff arrange for qualified people throughout the province to act as returning officers for these votes. During the 1987-88 reporting year, fifteen votes were conducted in ten jurisdictions.

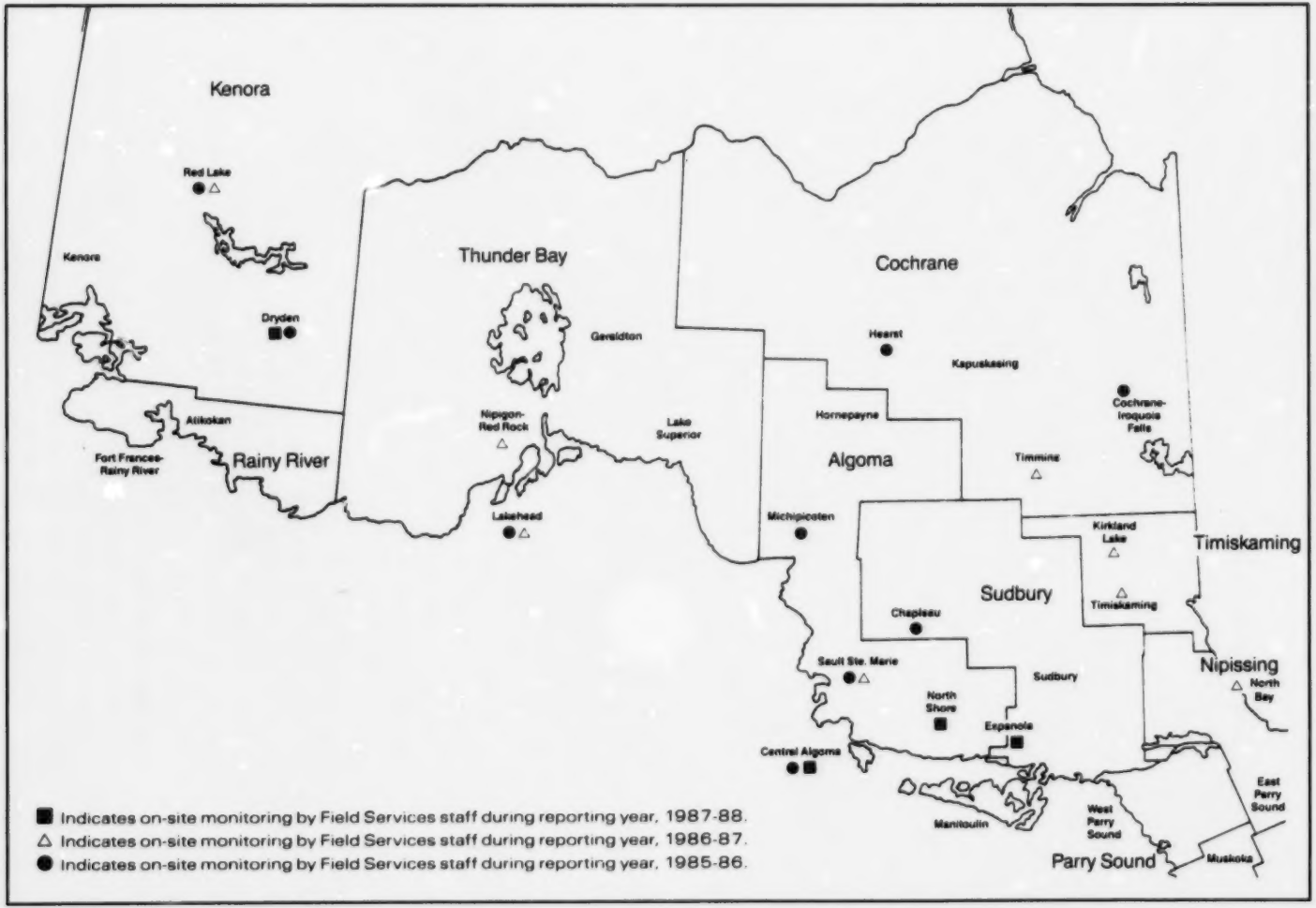
Complaints Related to Good-Faith Bargaining

The commission has established a procedure for dealing with complaints related to good-faith bargaining. The procedure provides that prior to a formal hearing an informal effort be undertaken to investigate a complaint with a view to its resolution.

It has become customary for Field Services staff to act as investigators in such cases; a total of five such complaints were dealt with during the 1987-88 reporting year, of which four were resolved locally and thus did not proceed to a hearing.

Preventive Mediation

Preventive-mediation programs are administered by the Field Services staff. Their main purpose is to assist the parties in reducing, if not eliminating, the obstacles that prevent resolution of matters of mutual concern. In addition, preventive mediation attempts to equip the parties to conduct their negotiations in a more effective and efficient manner within the existing structure of collective bargaining. It must be stressed that preventive-mediation activities are not designed to change the present structure of collective bargaining. However, they are designed to enhance it and to make it work for the benefit of both parties. In contrast to conventional mediation, preventive mediation is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Red Lake
Kenora
Dryden
Atikokan
Fort Frances-
Rainy River
Rainy River
Thunder Bay
Geraldton
Nipigon-
Red Rock
Lake
Superior
Lakehead
Cochrane
Hearst
Kapuskasing
Cochrane-
Iroquois
Falls
Hornepayne
Algoma
Timmins
Michipicoten
Kirkland
Lake
Timiskaming
Sudbury
Timiskaming
Chapleau
Sault Ste. Marie
Sudbury
Nipissing
North
Bay
North
Shore
Espanola
Central Algoma
East
Parry
Sound
West
Parry
Sound
Manitoulin
Parry Sound
Muskoka
■ Indicates on-site monitoring by Field Services staff during reporting year, 1987-88.
△ Indicates on-site monitoring by Field Services staff during reporting year, 1986-87.
● Indicates on-site monitoring by Field Services staff during reporting year, 1985-86.

conducted outside negotiations, and only after both parties in a jurisdiction request ERC involvement.

Although experimentation with preventive mediation began in 1979-80, an official program was not established until 1980-81. The two dimensions of the preventive-mediation program are relationships by objectives and grievance mediation.

Relationships by Objectives (RBO)

Prior to the formal establishment of relationships by objectives, the commission provided an activity called "technical service" (a chronology of technical service and relationships by objectives is contained in Appendix C).

The RBO program involves two numerically equal groups of teachers and trustees/administrators working through the following six steps:

- identification of the issues to be resolved as seen by each side
- explanation of issues and rationale by each side to the other
- agreement on a list of objectives based on the issues
- creation of action steps to meet these objectives by groups comprising equal numbers of members from each party
- acceptance and/or tailoring of these action steps by teachers' and trustees' groups separately
- acceptance of action steps, assignment of responsibility, and the setting of time lines jointly

This program was originally developed to take place over a period of three days and in a residential setting. To better meet the needs of the parties, the commission has altered the program, shortening it from three days to two in order to accommodate the problems encountered in attempting to free key trustees, teachers, and administrators for a three-day period during the school year.

The first step in the process is undertaken prior to the residential portion of the workshop. Using the information provided by the parties in this first session, the commission staff prepares a list of objectives to be agreed upon or tailored to be accepted by both parties.

The design of the program allows the participants to develop separate statements of the issues while working within the school system and then to co-operate in amalgamating these objectives through joint action.

In scheduling the last five steps of the program to take place away from the pressures of the school system, the commission encourages the opening of new communication links and channels as well as the clearing away of inappropriate and inaccurate perceptions that exist in most organizations.

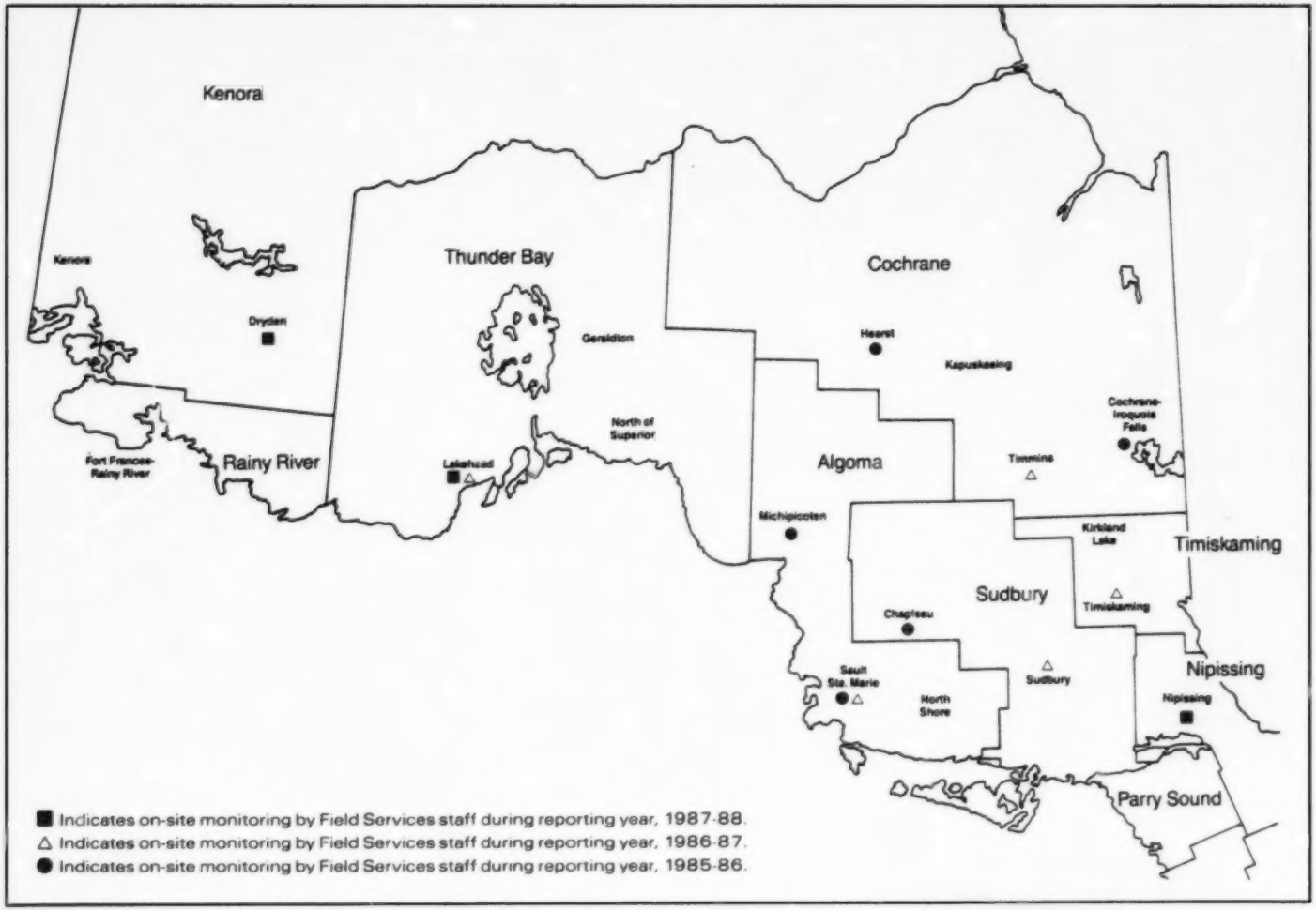
The commission offers this program to school boards throughout Ontario and insists that two criteria be met: that both parties indicate a desire to participate in the program and that the program not be offered in any jurisdiction where negotiations are in progress.

Jurisdictions that utilized this program during the 1987-88 reporting year were: the Sault Ste. Marie Board of Education and its elementary teachers, the Wellington County Board of Education and its secondary teachers, the Sault Ste. Marie Roman Catholic school board and its teachers, and the Windsor Roman Catholic school board and its teachers.

Grievance Mediation

The grievance-mediation program is designed to assist the parties in resolving differences arising from the interpretation, application, administration, or alleged contravention of the collective agreement. Adoption of the program does not preclude the parties' proceeding to arbitration if the matter is not resolved through mediation.

Roman Catholic Combined Separate School Zones, Northern Ontario



One purpose of grievance mediation is to alleviate the build-up of negative attitudes that occurs within a system because of unresolved grievances. Such grievances often become issues in negotiations. Moreover, grievance mediation is a method of settling disputes directly and as quickly as possible and is much less expensive than arbitration.

The commission introduced grievance mediation in 1979-80. Meetings were held with the provincial teachers' federations and trustees' associations to present the concept and explain some of its advantages.

A training session for grievance mediators was held in 1980-81. Eight mediators from across the province attended a two-day workshop designed to provide them with expertise in the arbitral jurisprudence related to Ontario education and with the unique aspects of the grievance-mediation process.

In February 1984, the commission hosted a workshop to explain to negotiating parties the techniques and procedures involved in grievance mediation and to compare this process, in terms of cost, philosophy, and practical application, to grievance arbitration. More than two hundred teachers, trustees, administrators, and boards' legal counsel attended.

A chronology of grievance mediation undertaken from 1980 to 1988 is contained in Appendix D.

Other Activities

Liaison activities continued during the 1987-88 reporting year, between ERC Field Services staff and the staffs of the various provincial teachers' and trustees' organizations. These activities facilitated an on-going dialogue about the collective-bargaining process and its perceived problems or areas for improvement.

Throughout the year, Field Services staff were asked to act as presenters in a wide variety of workshops and seminars held to explain the role and activities of the commission. Field Services staff were involved in many conferences, including the Canadian School Trustees' Association Conference for Negotiators, the Association of Labour Relations Agencies Annual Meeting and Conference, the Ontario School Trustees' Council Salary Conference, the Ontario Association of Education Administrative Officials' Conference for Chief Executive Officers, the Ontario Association of School Business Officials' Contract Administration Workshop, the Isolate Teachers' Conference, and the Society for Professionals in Dispute Resolution Annual Conference.

INFORMATION SERVICES

Information Services is responsible for the development and maintenance of an Ontario teacher/school board collective-bargaining information system, and for the delivery of information support services to a diverse client group, including local negotiators, provincial teachers' and trustees' groups, the commissioners and staff of the ERC, fact-finders, mediators and arbitrators, advocates, Ontario government ministries, labour practitioners outside the Ontario educational sector, researchers, and the general public. The orientation of Information Services is based on a philosophy of service that recognizes client need – both existing and anticipated – as its first priority. Improving service efficiency and effectiveness are permanent objectives.

Information Services staff are involved in the identification and collection of data relevant to the process and outcomes of collective bargaining, maintaining the data in computerized databases and non-computerized files; implementing procedures to ensure system security and data integrity; writing software applications for analysis and retrieval; developing procedures, documentation, and access strategies for the dissemination of

information; and providing client support through personal consultation, training, and workshop presentations. During the 1987-88 reporting year, a number of activities and initiatives were undertaken by Information Services to improve both the system and the service delivery.

In response to increasing demands, the ERC added a new database pertaining to information on principals' and vice-principals' salaries; reports from this database have been added to the weekly production schedule. The ERC now has nine databases residing on the system, and plans to add a tenth – class-size information from the Ministry of Education's September Reports – early in the next reporting year. All databases can be linked through a set of overlapping identifiers, and all data from 1975-76 to the present are on-line.

The ERC's database on collective-agreement provisions has been substantially revised. Analysis is now less detailed to minimize the possibility of interpretive bias and to improve processing time, and an agreement-location code for each provision identified has been added to facilitate agreement-clause extraction. Nine new reports have been written for this database, including an individual-agreement summary.

Comprehensive documentation has been prepared to support the collective-agreement database. It includes detailed descriptions of each provision identified and examples of the variety of contract language falling within a provision area. Extracts from this documentation will be added to the reports themselves to aid in interpretation.

The entire information system has undergone significant restructuring to implement the effects of the extension of funding to Roman Catholic school boards (Bill 30). Prior to Bill 30, data generated directly through collective bargaining could be merged easily with complementary data supplied by the Ministry of Education, and the relative stability of bargaining-unit composition from year to year facilitated trend analyses. With the phased-in addition of secondary panels in Roman Catholic school boards, and year-to-year changes in bargaining-unit composition, cross-sectional and historical analyses are now more complex, but at the same time more flexible: with the completion of report generation in the fall of 1988, users of the system will be able to conduct analyses on other than a bargaining-situation basis.

Most of the development work to improve access strategies for on-line external clients was completed during the 1987-88 reporting year. Enhancements include the ability to download any report generated from the data to local sites and an electronic communication network for all users, including "hotlines" for technical support and information requests.

With respect to internal information-management responsibilities, Information Services developed a plan to expand and integrate the automation of activities within the ERC itself; technology acquisition and applications development to link Field Services, ERC administration, and Information Services were well underway by the end of the 1987-88 reporting year.

Information Services continued to strengthen its association with the Educational Computing Network of Ontario (ECNO). The ERC implemented the Operations Management System developed by the School Board Services Unit (SBSU) of the Ministry of Education, and all enhancements to the ERC's system – including the planned move to a relational database-management system – have been consistent with directions taken by the SBSU. One of the future benefits of this association will be the use of the electronic highways to transfer data to and from the ERC, school boards, and the ministry.

The ERC's data-processing/information-sharing partnership with the Ministry of Education took on added dimensions in 1987-88. Information Services took over the responsibility for data entry and verification of that part of the Ministry's June Board Report survey that provides details of non-grid compensation costs. This shift of responsibility has enabled the ERC to produce its Total Compensation Report much earlier in negotiations.

Information Services staff were also involved in planning sessions with the Ministry of Education and other information "partners" regarding the creation of an Educator Database, which would be designed to eliminate duplication of data and be more responsive to user needs.

Information Services staff made presentations at a number of conferences and workshops during 1987-88, including: the Educational Computing Network of Ontario Annual Conference; the Ontario English Catholic Teachers' Association Conference for Negotiators; the ERC Conference on Collective Bargaining; the ERC Workshop for Third Parties; and two Ontario Secondary School Teachers' Federation regional workshops. In addition, a demonstration of the on-line system was held in the offices of the Sudbury Roman Catholic School Board and a dozen similar demonstrations were held for provincial and local teachers' and school boards' groups at the ERC's offices.

Finally, Information Services maintained its high success rate in the most important aspect of its service: the delivery of personalized support to its clients. Introduction of the direct-access facility and the growth in number of on-line–user accounts did not diminish demand for customized services as expected. In fact, the growing sophistication of the bargaining process and the parties' information requirements resulted in an increase in both the number and the complexity of information requests handled by staff during the reporting year. Despite this increased demand, however, Information Services was able to continue to meet – with few exceptions – its commitment to satisfy information requests within forty-eight hours of receipt.

VI APPENDICES

A BIOGRAPHIES OF THE COMMISSIONERS

Chair: Katherine E. Swinton, B.A. (University of Alberta), LL.B. (Osgoode Hall Law School, York University), LL.M. (Yale University, Connecticut), Member of the Ontario Bar

Ms. Swinton (Professor, Faculty of Law, University of Toronto) has served as chair of labour-arbitration boards in the private and public sectors and has served as vice-chair of the Ontario Crown Employees' Grievance Settlement Board. She has published extensively in the area of labour relations and has co-edited *Studies in Labour Law*.

Vice-Chair: David Allan Hayes, M.Ed. (University of Toronto), B.A. (McMaster University)

Mr. Hayes is a retired educator. He has served as supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent.

As a supervisory officer with the Lincoln County Board of Education, he developed and implemented the following programs: a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general-level students and to reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all programs – Kindergarten to Grade 13 – and a co-operative professional development program for teachers.

Commissioner: John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)

Mr. Zeiler is a partner in the law firm of Leve and Zeiler whose practice includes real estate, corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and, more recently, in the Department of Administrative Studies at York University where he lectures in Real Property Law and Negotiations.

Commissioner: Trèva Legault Cousineau, B.Sc. (University of Ottawa)

Mrs. Cousineau (Co-ordinator of French-Language Services at Sudbury Algoma Hospital) is a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair to the Timmins District Roman Catholic school board, as appointed member of the Commission on the Financing of Elementary and Secondary Education in Ontario, as president of l'Association française des conseils scolaires de l'Ontario, as chair of the Ontario School Trustees' Council, and as an appointed member to the Ministry of Education's Advisory Committee on Special Education and Advisory Council on the Role of the Trustee.

Commissioner: William John McNeil, B.Com (University of Toronto)

John McNeil has had fifteen years' experience as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past activities include presidency of District 13, OSSTF; Governor of the Ontario Teachers' Federation; advisory board member on provincial executives of OSSTF; and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the Master's Degree Program in Industrial Relations at the University of Toronto.

B SANCTION RECORD, 1975-76 to 1987-88

Year	School Board	Total Instructional Days	Total Instructional Days Excluding Work-to-Rule
1975-76	***Secondary (6):****		
	Central Algoma	35	35
	Kent County	66.5	13.5
	Kirkland Lake**	44	44
	Metro Toronto**	38	38
	Sault Ste. Marie**	46	13
	Windsor**	27	26
	Year Average	**42.7**	**28.2**
		(40.6)***	(32.7)***
1976-77	***Secondary (2):***		
	Peel	44	0
	Stor., Dundas, Glengarry	24	24
	Year Average	**34.0**	**12.0**
	RCSS (1):		
	Durham	9	9
	Year Average	**9.0**	**9.0**
1977-78	***Secondary (5):***		
	Essex	16	16
	Huron	31	31
	Perth	41	0
	Renfrew**	73	44
	Wentworth	49	16
	Year Average	**42.0**	**21.4**
	RCSS (1):		
	Essex	34	34
	Year Average	**34.0**	**34.0**
1978-79	***Secondary (3):***		
	Haldimand	36	36
	Kirkland Lake	30	26
	York County	5	2
	Year Average	**23.7**	**21.3**

* 11 sanctions if Metro = 6

** An advisement was made pursuant to clause 60(1)(h).

*** Average if Metro = 6

Year	School Board	Total Instructional Days	Total Instructional Days Excluding Work-to-Rule
1979-80	***Elementary (2):***		
	Brant	22	22
	Peel	14	13
	Year Average	**18.0**	**17.5**
	Secondary (3):		
	Lambton	39	39
	North York	40	0
	Sudbury**	56	56
	Year Average	**45.0**	**31.7**
	RCSS (2):		
	Frontenac	14	14
	Nipissing	18	18
	Year Average	**16.0**	**16.0**
1980-81	***Secondary (3):***		
	Bruce	40	38
	Leeds and Grenville	30	30
	Norfolk	48	47
	Year Average	**39.3**	**38.2**
	RCSS (1):		
	Essex	9	9
	Year Average	**9.0**	**9.0**
1981-82	***Secondary (2):***		
	Leeds and Grenville	0	0
	West Parry Sound	51	51
	Year Average	**25.5**	**25.5**
	RCSS (2):		
	Carleton (OECTA)	19	19
	Carleton (AEFO)	11	11
	Year Average	**15.0**	**15.0**
1982-83	***Secondary (1):***		
	Oxford County	7	1
	Year Average	**7.0**	**1.0**
1983-84		0	0
1984-85	***Secondary (2):***		
	Hamilton (OSSTF)	39	29
	Muskoka	30	30
	Year Average	**34.5**	**29.5**
	RCSS (3):		
	Stormont, Dundas and Glengarry (AEFO)	9	9
	Sudbury	21	21
	York Region	22	0
	Year Average	**17.3**	**15.0**

** An advisement was made pursuant to clause 60(1)(h).

Year	School Board	Total Instructional Days	Total Instructional Days Excluding Work-to-Rule
1985-86	***Secondary (3):***		
	Wellington (OSSTF)**	50	50
	Grey (OSSTF)	42	42
	Lennox & Addington (OSSTF)	11	8
	Year Average	**34.3**	**33.3**
	RCSS (1):		
	Metro	5	5
	Year Average	**5.0**	**5.0**
1986-87	***Secondary (1):***		
	Dryden (OSSTF)	33	33
	Year Average	**33.0**	**33.0**
	RC (5):		
	Frontenac, Lennox & Addington (AEFO, OECTA)	16 (elementary) 17 (secondary)	– –
	North Shore (OECTA)	23	23
	Sault Ste. Marie (AEFO, OECTA)	23	23
	Windsor (AEFO, OECTA)	14	14
	York Region (AEFO, OECTA)	22	–
	Year Average	**19.2**	**20.0**
1987-88	***Elementary (1):***		
	Metro Toronto****	18	18
	Year Average	**18.0**	**18.0**
	RCSB (2):		
	Hearst	6	6
	Lakehead	11	11
	Year Average	**8.5**	**8.5**

** An advisement was made pursuant to clause 60(1)(h).

****7 sanctions if Metro = 7

C CHRONOLOGY OF PREVENTIVE MEDIATION, 1979-88

Date	Jurisdiction	Parties	Nature of Preventive Mediation
1979	Essex RCSSB	Trustees, administrators, teachers	Five meetings to set up ground rules for negotiations
1979	Essex RCSSB	Trustees, administrators, teachers	Assisted in developing a staffing formula for September 1980
1979	Perth County B of E	Trustees, administrators	Chaired committee of teachers on staffing and time-tabling in the secondary schools
1979	Haldimand B of E	Trustees, administrators	Weekend workshop on relationships by objectives
Jan-Feb 1980	Wellington County B of E	Trustees, administrators, secondary teachers	Facilitated co-operative bargaining process – 4 sessions totalling 67 hours
May 1980	Halton B of E	Trustees, administrators	One-and-a-half-day workshop on relationships by objectives
June 1980	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers	Three-day workshop on alternative methods of bargaining; representatives from 6 boards were brought together to discuss pros and cons of various methods
June 1980	Haldimand B of E	Trustees, administrators, teachers	One-day workshop on communications
Oct 1980	Lennox & Addington County B of E	Trustees, administrators	One-and-a-half-day workshop on relationships by objectives
Dec 1980	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers, CUPE	Three-day workshop on communication skills
Dec 1980	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers, CUPE	Three-day workshop on problem-solving skills
Dec 1980	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers, CUPE	Three-day workshop on conflict management
Mar 1981	Lambton County B of E	Trustees, administrators, elementary and secondary teachers	Two-day workshop on relationships by objectives

Date	Jurisdiction	Parties	Nature of Preventive Mediation
Apr-May 1981	London B of E	Administrators	Planning new approaches to administration in the 80s (two one-day sessions)
June 1981	Haldimand B of E	Trustees, administrators, teachers	One-day workshop on communications
Oct 1981	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers, CUPE	Two-day evaluation workshop
Feb 1982	East Parry Sound B of E	Administrators, elementary and secondary teachers	One-day workshop to review communication, problem-solving, and conflict-management skills; establish future goals; develop action steps
Mar 1982	Essex RCSSB	Trustees, administrators, teachers (OSSTF, FWTAO, AEFO)	Two-day workshop on communication, problem-solving, and conflict-management skills
Apr 1982	East Parry Sound B of E	Administrators, principals of all elementary and secondary schools, selected department heads from secondary schools, consultants who serve the system	Three-day workshop on leadership, skill development in communications, problem solving, decision making, and conflict management
June 1982	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers	Evening sessions to introduce new trustees and teachers to technical-assistance program
June 1982	Timiskaming B of E	Trustees, administrators, elementary and secondary teachers	One-and-a-half-day workshop on relationships by objectives
Nov 1982	Lincoln B of E	Trustees, administrators	Two-day workshop on relationships by objectives; familiarize new trustees with the school-system operation
Feb 1983	East Parry Sound B of E	Internal facilitators, 1 trustee, 5 elementary teachers, 1 secondary teacher	Three-day workshop to develop educational internal facilitators
Feb 1983	East Parry Sound B of E	Trustees, administrators, elementary and secondary teachers	Three-day workshop on communications, problem solving, conflict management, group development, and relationship focusing

Date	Jurisdiction	Parties	Nature of Preventive Mediation
May 1983	East Parry Sound B of E	Internal facilitators, 1 trustee, 5 elementary teachers, 1 secondary teacher, 3 ERC staff	Learning reinforcement for internal facilitators
Oct 1983	West Parry Sound B of E	Trustees, administrators, elementary teachers	Two-day workshop on relationships by objectives
Jan 1984	Atikokan B of E	Trustees, administrators, elementary and secondary teachers	Two-day workshop on relationships by objectives
Jan 1984	Welland County RCSSB	Trustees, administrators, teachers	Two-day workshop on relationships by objectives
May 1984	Canadian Forces Base, Petawawa B of E	Trustees, administrators, elementary teachers	Two-day workshop on relationships by objectives
Jan 1985	Renfrew County B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives
Oct 1985	Red Lake B of E	Trustees, administrators, elementary teachers	Two-day workshop on relationships by objectives
Nov 1985	York Region RCSSB	Trustees, administrators, teachers	Two-day workshop on relationships by objectives
Jan 1986	Muskoka B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives
Feb 1986	Hamilton B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives
Mar 1986	Grey County B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives
Apr 1986	Bruce-Grey RCSSB	Trustees, administrators, teachers	Two-day workshop on relationships by objectives
Apr 1986	Dryden B of E	Trustees, administrators, secondary and elementary teachers	Two-day workshop on relationships by objectives
Nov 1986	Red Lake B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives
Nov 1986	Sault Ste. Marie B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives

Date	Jurisdiction	Parties	Nature of Preventive Mediation
Nov 1987	Sault Ste. Marie B of E	Trustees, administrators, elementary teachers	Two-day workshop on relationships by objectives
Jan 1988	Wellington County B of E	Trustees, administrators, secondary teachers	Two-day workshop on relationships by objectives
Jan 1988	Sault Ste. Marie RCSB	Trustees, administrators, teachers	Two-day workshop on relationships by objectives
Feb 1988	Windsor RCSB	Trustees, administrators, teachers	Two-day workshop on relationships by objectives

D CHRONOLOGY OF GRIEVANCE MEDIATION, 1980-88

Date	Parties	Nature of Assistance
June 1980	Provincial Schools Authority and Federation of Provincial Schools Authority Teachers	Issue resolved
June 1981	Nipissing Board of Education and the Branch Affiliates of FWTAO and OPSTF	Issue resolved
Mar 1982	Central Algoma Board of Education and the Branch Affiliate of OSSTF	Issue resolved
May 1982	Northumberland and Newcastle Board of Education and the Branch Affiliates of FWTAO and OPSTF	No resolution; issue went to arbitration
May 1983	Cochrane-Iroquois Falls Board of Education and the Branch Affiliate of OSSTF	Issue resolved
Sept 1983	York Region RCSS Board and the Branch Affiliate of OECTA	No resolution; issue to arbitration
Sept 1983	Victoria Board of Education and the Branch Affiliate of OSSTF	Issue resolved; rejected Dec. 8; issue to arbitration
Sept 1983	Cochrane-Iroquois Falls Board of Education and the Branch Affiliate of AEFO	Issue resolved; rejected by board Oct. 3, 1984
Oct 1983	Cochrane-Iroquois Falls Board of Education and the Branch Affiliate of OSSTF	Seven grievances; issues resolved
Dec 1983	Haldimand Board of Education and the Branch Affiliate of OSSTF	Two grievances; one resolved, one to arbitration
Dec 1983	Essex County RCSS Board and the Branch Affiliate of OECTA	Issue resolved
Jan 1984	Halton Board of Education and the Branch Affiliate of OSSTF	No resolution; issue to arbitration
Jan 1984	Peel Board of Education and the Branch Affiliate of OSSTF	No resolution
Jan 1984	CFB Petawawa Board of Education and the Branch Affiliates of FWTAO and OPSTF	Issue resolved
Apr 1984	Sault Ste. Marie Board of Education and the Branch Affiliate of OSSTF	Issue resolved; rejected by board
Apr 1984	Kapuskasing Board of Education and the Branch Affiliate of AEFO	Issue resolved
June 1984	North York Board of Education and the Branch Affiliates of FWTAO and OPSTF	Agreement to hold issue in abeyance
June 1984	Red Lake Board of Education and the Branch Affiliate of OSSTF	Issue resolved
June 1984	Northumberland and Newcastle Board of Education and the Branch Affiliate of OSSTF	No resolution; issue to arbitration
Oct 1984	Sudbury RCSS Board and the Branch Affiliate of AEFO	Issue resolved
Nov 1984	Timiskaming Board of Education and the Branch Affiliate of OSSTF	Parties unable to meet; issue to arbitration

Date	Parties	Nature of Assistance
Dec 1984	Sudbury District RCSS Board and the Branch Affiliate of OECTA	Issue resolved
Dec 1984	Kapuskasing Board of Education and the Branch Affiliate of FWTAO	Issue resolved
Apr 1985	Sault Ste. Marie Board of Education and the Branch Affiliate of OSSTF	Issue resolved
May 1985	Red Lake Board of Education and the Branch Affiliate of FWTAO	Issue resolved
May 1985	Board of Education for the City of Windsor and the Branch Affiliate of OSSTF	Issue to arbitration
Oct 1985	Kenora Board of Education and Branch Affiliate of OSSTF	Issue resolved
Oct 1985	C.F.B. Kingston Board of Education and Branch Affiliates of FWTAO and OPSTF	Issue resolved
Nov 1985	Halton Board of Education and Branch Affiliate of OSSTF	Issue resolved
Dec 1985	Wentworth County Board of Education and Branch Affiliate of OSSTF	Issue resolved
Feb 1985	Hamilton Board of Education and Branch Affiliate of OSSTF	Issue resolved
Apr 1986	Dufferin County Board of Education and Branch Affiliate of OSSTF	Issue resolved
May 1986	Windsor Board of Education and Branch Affiliate of OSSTF	No resolution
May 1986	Sudbury District RCSS Board and Branch Affiliate of OECTA	No resolution
May 1986	Essex County RCSS Board and Branch Affiliates of AEFO and OECTA	No resolution
June 1986	Wentworth County Board of Education and Branch Affiliate of OSSTF	Issue resolved
Oct 1986	C.F.B. Kingston Board of Education and Branch Affiliates of FWTAO and OPSTF	No resolution
Mar 1987	Lambton County RCS Board and Branch Affiliates of OECTA and AEFO	Three grievances, issues resolved
June 1988	Essex County RCS Board and Branch Affiliate of OECTA (Secondary)	No resolution
June 1988	Kilkenny District School Area Board and Branch Affiliates of FWTAO and OPSTF	Issue resolved

E STATEMENT OF EXPENDITURES, APRIL 1, 1987 to MARCH 31, 1988

Categories	Budget Allocation $	Actual Expenditures $
Salaries & Benefits		
Salaries*	668 600	624 098
Employee Benfits*	86 500	75 301
Total Salaries & Benefits	**755 100**	**699 399**
Transportation & Communications		
Communications	26 900	20 612
Postage, Courier	20 000	13 569
Travel – Public Servants	49 300	35 652
Travel – Third Parties & Commissioners	170 500	112 458
Total Transportation & Communications	**266 700**	**182 291**
Services		
Publications	–	1 222
Job Advertising	–	8 985
Office Equipment Rental	10 000	10 484
EDP Services	23 000	3 940
Janitorial Services	1 500	910
Conference Services	31 500	36 114
Per Diem, Commissioners	30 000	28 952
Professional Services	247 800	194 251
Repairs, Maintenance	42 000	41 324
Fees for Votes	42 000	41 524
Total Services	**427 800**	**367 706**
Supplies & Equipment		
EDP Equipment & Supplies	60 000	69 598
Office Furniture	2 000	1 734
Office Equipment	3 000	–
Office Supplies	11 900	16 784
Books & Publications	25 000	27 182
Total Supplies & Equipment	**101 900**	**115 298**
Total Budget Allocation	**1 551 500**	
Total Actual Expenditures		**1 364 694**

* Adjusted per Management Board Order

F SUMMARY OF NEGOTIATIONS, 1987-88

Negotiations Conducted in Accordance With the Act	
Total number of negotiations conducted by boards and teachers in Ontario	145
Number of negotiations not requiring formal commission assistance	92
Number of fact-finders assigned	50
Number of situations where mediator assigned	31
Settlements by voluntary binding arbitration	0
Settlements by voluntary final-offer selection	0

Note: In some sets of negotiations both a fact-finder and mediator were assigned.